

**O&C Right-of-Way Permit
Margaret & William Lee Road Construction**

EA# OR-118-04-002

April 2004

Proposed agency actions:	Approve a private landowner right-of-way permit to access their property by road reconstruction across BLM managed land.
Type of statement:	Environmental Assessment
Lead agency:	U.S. Department of the Interior Bureau of Land Management Medford District, Glendale Resource Area
For further information:	Lynda L. Boody Glendale Field Manager BLM District Office

Chapter 1 - Purpose and Need for Action

1.0 Purpose and Need for the Proposal

Margaret and William Lee, private land owners, have requested access to their property via reconstruction of a road on public land. The Lee's propose to use this road for log hauling.

1.1 Plan Conformance

The proposed action is in conformance with the Medford District Resource Management Plan (RMP) dated June 1995. It falls under Administrative Actions that are in conformance with the plan "including but not limited to:...lands and realty actions, including issuance of grants, leases, and permits and resolution of trespass; facility maintenance..." (pg. 6).

The proposed activities are also in conformance with and tiered to the *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (USDI, USDA 2001); and the *Medford District Record of Decision and Resource Management Plan* (RMP) (USDI 1995b). These Resource Management Plans incorporate the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (NWFP) (USDA and USDI 1994). These documents are available at the Medford BLM office and the Medford BLM web site at <<http://www.or.blm.gov/Medford/>>.

1.2 Decisions to be made Based on this Analysis

The Glendale Resource Area Field Manager will:

- 1) Select an alternative.
- 2) Determine if the selected alternative would have significant effects, and whether to prepare an environmental impact statement, or issue a Finding of No Significant Impact (FONSI).
- 3) Determine whether the selected alternative is consistent with the Medford Resource Management Plan and broader level plans.

Chapter 2 - Alternatives

2.0 Comparison of the Alternatives

This chapter describes the alternatives under consideration. Descriptions focus on potential actions, outputs, and any related mitigation.

2.1 Alternative 1: No Action

Under this alternative, the management actions described under the action alternatives would not take place at this time. However, the opportunity for construction of the road across BLM would continue to be a viable option for the future, but would be analyzed through a separate environmental analysis.

2.2 Alternative 2: Proposed Action

The Glendale Resource Area proposes to issue a permit to William and Margaret Lee for the reconstruction of approximately 500 feet of road in T. 33 S., R. 7 W., Section 27 NW $\frac{1}{4}$ NE $\frac{1}{4}$, and construction of an additional 500 feet of road to access their property in Tax Lot 500. In addition to the permit for construction of new road, an O&C hauling permit would be issued separately prior to hauling of timber.

Approximately 7 to 8 trees would be removed, depending on the exact location and width of the road prism. These trees range from 26 to 44 inches diameter at breast height (dbh). One of these trees would be left on site as large down wood to benefit wildlife and future productivity. If directional felling away from the private property is possible, an already rotten 44 inch dbh sugar pine would be ideal for down wood. It may not be possible to directionally fell this tree onto public property. In this case, heavy equipment onsite would be used to yard the log(s) back onto public property if the log(s) can be safely transported to stable, flat ground. The surrounding area has steep terrain. If utilizing this sugar pine is not feasible another large diameter tree, from the previously mentioned 7-8 trees, would be felled below the right-of-way to provide large down wood. In addition, another tree (larger than 30 inches dbh) would be girdled to create a snag. The tree selected would be below the road prism, a tree that is not leaning uphill or toward the private property, and beyond one tree-height length of that property.

Any logs or whole trees not suitable for milling that are greater than 16 inches dbh would be left on site and not burned. If slash from the clearing operation is burned, it would be stacked at least 2 ft from existing unmerchantable, large wood (> 16 inches dbh), snags, and stumps outside of the right-of-way. These resources would not be burned to serve as wildlife habitat and organic material to improve site productivity.

2.2.1 Project Design Features

Project design features (PDFs) are specific measures included in the design of the proposed action to minimize adverse impacts on the human environment. Many project design features for projects in the Medford District are specified in the RMP and might not be repeated in this EA. These include Best Management Practices (BMP) as described in Appendix D of the RMP.

If changes to the PDFs are needed during project implementation, they would be reviewed by the Field Manager prior to approval.

Cultural Resources

If at anytime during project operation cultural material is unearthed the project would be suspended immediately and a BLM Archaeologist would be contacted to evaluate the unearthed materials.

Wildlife

Use of power equipment for road renovation within 1/4 mile of any northern spotted owl nest would be limited to the period between July 1 and February 28 of the following year, or until a Glendale Resource Area biologist determines that young have sufficiently dispersed. A seasonal restriction is also applied between March 1 and June 30 on blasting within one mile of a known active spotted owl nest.

Water Quality

The work period for road construction and drainage improvement would be from May 15 to October 15 of the same year to ensure that soil-disturbing activities are completed before the rainy season.

The road would be constructed as outsloped, full-bench and end-hauled, adding culverts, and water-bars. A gate would be installed at the entrance from the main rock road (33-7-35.1).

Waterdips would be created to prevent rilling.

Excess excavated material generated from construction would be disposed of or hauled to a stable designated waste disposal area per the direction of BLM engineers.

Soil contaminated by excessive leakage of diesel, oil, hydraulic fluid and other hazardous materials as a result of equipment failure or human error would be removed and disposed of in an approved site.

Cutting vegetation on road fill slopes would be minimized in order to maintain slope stability.

All work would be temporarily suspended if monitoring indicates that rainstorms have saturated

soils in the work area to the extent that there is potential for road damage.

Burning of slash will not occur within 25 feet of streams or draws.

Invasive Species/Noxious Weeds

Heavy equipment would be washed prior to entering federal lands, removing soil plant parts to prevent the spread of noxious weeds into the project area.

Bare soil areas would be mulched with material (e.g. straw, bark, wood chips) which is free of noxious weeds.

Chapter 3 - Affected Environment

3.0 Affected Environment

This section describes relevant resource components of the existing (baseline) environment.

The location of the proposed action is:

Analytical watershed:	Grave Creek fifth field watershed
Project area (sixth field watershed):	Lower Grave Creek
County:	Josephine
Legal description:	T33S, R7W, Section 27

The proposed project location is located in the Poorman Creek drainage. The proposed road location is situated on Speaker/Josephine complex soil which is moderately erosive. Slopes in the project area are approximately 50-70%, and are currently stable. A temporary spur used for past harvest activities provides access to the proposed new construction. This spur is currently stable with grass and shrubs providing protection for soils. This spur would be renovated under the action proposal. The prism is relatively flat (1 to 5 %).

No waterways or drainages occur along the temporary spur nor along the proposed new construction. The proposed action area is located on a ridge system that runs east to west and is about ¼ mile upslope of the upper portion of Poorman Creek. Poorman Creek provides habitat for coho salmon in the lower one mile of the stream. The proposed action area is about 1 to 1¼ miles from coho habitat and ¼ mile from cutthroat trout habitat.

The action would occur within a narrow 9 acre peninsula like strip of late successional forest within a stand of trees less than 20 years old. This strip is connected on one side to a mostly unharvested BLM-administered stand. The immediate area affected by the right-of-way is dominated by hardwoods (tanoak and madrone) and young Douglas-fir, most stems being less than 10 inches DBH. The habitat is not suitable nesting habitat for the spotted owl and appears to contain no unique habitat for any other special status species. A spotted owl nest site is known to exist approximately ½ mile south of the project area. At best the immediate area affected by the right-of-way would be used for foraging or roosting.

The affected area was surveyed for red tree voles in December 2003 and no sign of the species was found. There is no habitat for Special Status or Threatened & Endangered (proposed or listed) species present within the project area.

Plant surveys were conducted along the proposed right-of-way and no special status plants or habitat was observed.

Chapter 4 – Environmental Consequences

4.0 Introduction

This chapter describes the relevant resource components of the existing environment and also provides the scientific and analytic basis for the comparisons in Chapter II (40 CFR 1502.16). Environmental consequences analyzed are specific to each of the alternatives.

Table 4-1 Critical Elements

The following critical elements of the human environment are subject to requirements specified in statute, regulation, or executive order and must be considered in all EAs. The Y = yes and N= no designates whether each resource or issue would be affected under each specified alternative. For the elements marked yes, see the discussion following the table.

Resource or Issue Affected by Alternative	Alternative		Resource or Issue Affected by Alternative	Alternative	
	1	2		1	2
Air Quality	N	N	Threatened and Endangered Species	Fish	N
				Wildlife	N
				Plants	N
ACEC	N	N	Wastes Hazardous / Solid	N	N
Cultural	N	N	Water Quality	N	N
Farmlands, Prime / Unique	N	N	Riparian Zones	N	N
Floodplains	N	N	Wild and Scenic Rivers	N	N
Native American Religious Concerns	N	N	Wilderness	N	N
Energy	N	N	Essential Fish Habitat	N	N

4.1 Wildlife

Alternative 1: No Action

No impacts are anticipated from this alternative.

Alternative 2: Proposed Action

Threatened and Endangered Species

The habitat is not suitable nesting habitat for the spotted owl and appears to contain no unique habitat for any other special status species.

No effect on coho salmon is anticipated due to distance of activity area from known habitat and lack of conveyance streams in the activity area for transport of any sediment.

Special Status Species

No impacts are anticipated from the action alternative.

Late Successional Forest

Approximately 7 to 8 trees are marked for cutting are over 20" in diameter. These trees are dispersed throughout the proposed road renovation, and impacts are minor, and spread throughout the approximate ¾ mile of road. The 44 inch dbh sugar pine would particularly provide abundant down wood. Any of the trees greater than 20 inches dbh proposed for cutting would also be a good source for large down wood.

4.2 Water Quality

Alternative 1: No-Action

No anticipated effect to water resources as proposed road is not near a stream or waterway.

Alternative 2: Proposed Action

No effects on water resources are anticipated since activity area is on a ridge system and any movement of sediment would be filtered out on the forest floor prior to water entering any waterway. Road rocking on reconstruction and new construction along with mulching of exposed soil areas would effectively control sediment movement.

4.3 Cultural Resource Survey

A cultural survey was completed within the project area by the Glendale Resource Area Archaeologist in 2003. No cultural sites were found.

4.4 Cumulative Effects

The proposed construction of 500 feet of new road would add approximately 0.1 miles to the roads in the Grave Creek watershed. The road density in the watershed would essentially be unaffected by this minimal increase. Because the nature of the road is to provide private access as a driveway, terminating at the private land, it is unlikely it would attract additional forest users to this area. The ridge location of the proposed spur road, and the current stability of the slopes, would prevent adverse effects to Poorman Creek, the closest of which the closest segment is ¼ mile away, therefore water quality and quantity would not change. The proposed 500 feet of reconstruction of existing road in the same location would not increase road density of the watershed. Because the road already exists, it would not provide a new entrance into forested lands by the public for recreational or other uses. Because neither road density nor water quality would change, construction of this terminal access road would not lead to cumulative impacts to the human environment.

Timber harvest has occurred in the vicinity over the past decade. This area is matrix land and was identified in the Northwest Forest Plan as available for scheduled timber harvest (USDA/USDI 1994, p.2-25). Reconstruction of this road is within the types of activities identified in the Medford District Resource Management Plan (p. 86-88). The habitat is not suitable nesting habitat for the spotted owl, and the distance of activity area from known Coho salmon habitat indicates there would be no impact to threatened or endangered species. Therefore, removal of trees to reconstruct or build the spur road would not have any cumulative impact of the human environment.

The cumulative effects of the Proposed Action were considered in the U.S. Fish and Wildlife Service's Biological Opinion, which covered projects other than timber sales (BO, 1-7-96-F-392 FY98/FY05). This EA tiers to the effects analysis of the Environmental Impact Statement (EIS) of the Medford District Resource Management Plan (RMP). No impacts identified herein would exceed those directly identified in RMP EIS.

Chapter 5 - Persons and Agencies Consulted

5.0 Persons and Agencies Consulted

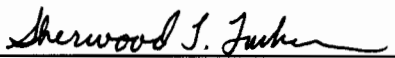
A legal notice will be placed in local newspapers to announce to the public that the Glendale Resource Area is requesting public comments on the proposed management action. In addition, notification of this proposal will be sent to those individuals and organizations who have requested that they be notified of actions in the Glendale Resource Area. The Field Manager will consider all input from the public received during the 15 day comment period before reaching a finding or making a decision concerning this proposal.

A 15 day comment period will begin after public notification in the local newspapers. Comments, including names and street addresses of respondents, will be available for public review. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection on their entirety.

5.1 List of Preparers

<u>Name</u>	<u>Title</u>	<u>Primary Responsibility</u>
Sondra Nolan	Right-of-Way Specialist	NEPA, Team Lead
Sherwood Tubman	Ecosystem Planner	NEPA
Vince Randall	Forest Manager	Timber
Loren Wittenberg	Hydrologist, Soil Specialist	Water Quality, Riparian, Soil
Amy Sobeich	Archaeologist	Cultural Resources
Jeff Brown	Engineer	Roads
Katie Wetzel	Recreation Specialist	Visual Resource Management

The Proposed Action has been screened for compliance with the Endangered Species Act, The American Indian Religious Freedom Act, National Historic Preservation Act, Bureau of Land Management policies related to the ecosystem objectives and concepts in the Medford District Resource Management Plan (RMP) and with the Aquatic Conservation Strategy of the Northwest Forest Plan. Furthermore, this action has been screened from a landscape perspective and there are no effects anticipated from this action that would foreclose future management options in relation to the watershed management objectives identified through the Ecosystem Analysis.


Ecosystem Planner
Reviewed for format and consistency

Date

References

USDI-BLM. 1995. Record of Decision and Resource Management Plan. Medford, Oregon

USDA-FS, USDI-BLM. 1994. Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl. Pacific Northwest

USDA-FS, USDI-BLM. 2001. Final Supplemental Environmental Impact Statement to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines. Portland, Oregon